

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 18, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. Claims 7-17 are added by this amendment. By means of the present amendment, claims 1-6 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include amending dependent claims to begin with "The" as opposed to "A" and correcting informalities noted upon review of the claims. By these amendments, claims 1-6 are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Applicant thanks the Examiner for the indication that claims 2-6 are allowable if amended to be in independent form. Claim 2 is amended herein to be in independent form. Accordingly, consideration and allowance of claim 2 is respectfully requested. Claims 2-6 respectively depend from claim 2 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of dependent claims 2-6 is respectfully requested.

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 2,929,907 to Collins ("Collins"). It is respectfully submitted that claims 1 and 7-17 are allowable over Collins for at least the following reasons.

Collins shows a device for heating heat-activated tape including a heater 30 (see, Collins, FIG. 1) and a hold-down unit 50 having "a transverse series of parallel forwardly and downwardly inclined needle-like members or fine-pointed pins 51, resembling

phonograph needles." (See, Collins, FIGS. 2 and 3, and Col. 4, lines 8-12.)

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Collins. For example, Collins does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "a heating device to which the depilation tape taken from the store can be supplied in the longitudinal tape direction, by means of said heating device the respective tape portion of the depilation tape co-operating with the heating device can be heated for the purpose of softening the hair removal medium before the depilation tape is applied with its hair removal medium to the skin of a person, and pressure means which are arcuately shaped and arranged opposite the heating device, by means of said pressure means the respective tape portion of the depilation tape co-operating with the heating device is kept applied to the heating device along a contact zone parallel to the longitudinal tape direction" as recited in claim 1.

Further, it is respectfully submitted that the device of claim 12 is not anticipated or made obvious by the teachings of Collins. For example, Collins does not disclose or suggest, a device that

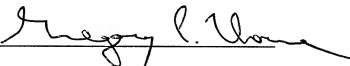
amongst other patentable elements, comprises (illustrative emphasis added) "a heating device to which the depilation tape taken from the store can be supplied in the longitudinal tape direction, the respective tape portion of the depilation tape co-operating with the heating device can be heated for the purpose of softening the hair removal medium before the depilation tape is applied with its hair removal medium to the skin of a person, and an arcuately shaped bracket arranged opposite the heating device, by means of the arcuately shaped bracket the respective tape portion of the depilation tape co-operating with the heating device is kept applied to the heating device along a contact zone parallel to the longitudinal tape direction" as recited in claim 12.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 12 are patentable over Collins and notice to this effect is earnestly solicited. Claims 7-11 and 13-17 respectively depend from one of claims 1 and 12 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of dependent claims 7-11 and 13-17 is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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